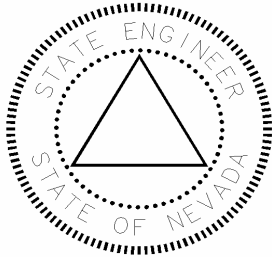


NEVADA DIVISION OF WATER RESOURCES ANNUAL NEWSLETTER TO LICENSED STATE WATER RIGHT SURVEYORS

May 2010



Carson City Office
901 S. Stewart St. Suite #2002
Carson City, NV 89701
775-684-2800

Southern Nevada Office
400 Shadow Lane #201
Las Vegas, NV 89106
702-486-2770

Elko Office
1250 Lamoille Hwy
Bldg 10 Suite 1047
P.O. Box 99
Elko, NV 89803
775-753-3553

Winnemucca Office
815 East Fourth St. #7
P.O. Box 121
Winnemucca, NV 89446
775-623-6562

MESSAGE FROM JASON KING STATE ENGINEER

2010? What happened to this past decade? I hope this past year was good to all of you despite the economic downturn. A slowdown in the economy hasn't meant a slowdown in the number of water right applications being filed with the Division. During calendar year 2009, 1,654 water right applications were filed as compared to the past 10-year average of 1,471. We are doing our best here at DWR to process those incoming applications as timely as possible while trying to reduce our backlog. We are very proud to report that the number of backlogged applications is at the lowest it has been in over 30 years. All of you have played a large part in helping us do our job better and more efficiently. I would ask all of you to continue to submit quality work and make constructive suggestions to us in order to help us help you and your clients in the processing of all water right documents.

As all of you are aware, an ever increasing number of court decisions are being rendered - some with far-reaching implications. We will look to all of you in the water profession for suggestions and ideas in addressing these matters. Water rights, especially in the driest state in the nation, will only continue to become more important, valuable and controversial. Our office needs and wants your help on these issues. We will continue to send out mass e-mailings on important issues along with posting those important issues and documents on our website.

The Division's message is simple - although we are all doing more with less these days, never is it the time to compromise the water resources of the state. This office has, and will continue to, implore you to "*do right by the resource.*" That should be the number one thought in our minds when we go to work each day. Failure to champion that protection will only lead to the demise of our state. What do we do when there isn't enough water, or it is of poor quality? Please continue all the good work you do day-in and day-out and thank you for your dedication, experience and professionalism in dealing with the public and their water resources.

Jason King, P.E.

Surveyor License Application

In cooperation with the Nevada State Board of Engineers and Land Surveyors, the State Engineer's office added additional language to the *Application For Appointment as State Water Right Surveyor*. The new clause states **"It is incumbent on the individual water right surveyor to ensure that he/she has the specific knowledge and experience required to determine that the work is completed in a proper and professional manner."**

Website

For access to water resource data, please visit us on the web at <http://water.nv.gov>. The website will allow you to access our permit, well log, water level, and title databases as well as scanned documents such as pending applications, water right maps, protests, permits, and well logs. The site also provides access to forms, publications, orders, rulings, and a schedule for upcoming hearings.

If you have any questions, comments or suggestions regarding the web site, please email David Wooldridge (dwool@water.nv.gov).

Enforcement Regulations

The Division's new enforcement regulations ("Fines and Penalties") went into effect July 1, 2009 as Nevada Administrative Code (NAC) 532. It has always been the position of the Division that the goal for these enforcement regulations is to achieve compliance with water law and not to generate revenue through fines. To achieve this end, policy and procedures have been drafted to guide this office in the equitable and methodical evaluation of alleged violations and implementation of the enforcement regulations. The selection criteria for identifying alleged violators are summarized as follows:

- Pumping data is reviewed in a given basin to generate a list of alleged violators ranked by the total quantity of over-pumping and by the percentage of over-pumping.
- Large irrigation rights are reviewed for incorrect places of use and points of diversion to generate a ranked list.
- Immediate concerns or unsafe conditions for which other methods of regulation have failed to resolve will be considered.
- Those who do not have a meter or have not submitted pumping reports per their permit terms will be considered.
- *Requests to Investigate Alleged Violation* submitted by the public will be investigated and may lead to enforcement if there is evidence of an alleged violation.

The full *Policy and Procedures* document is available on the Division's website under Water Planning > Compliance Enforcement. Also under this section you will find links to the statutes and regulations and a link to the *Request to Investigate Alleged Violation* form (also available through the Forms Room).

The Southern Nevada Branch Office reports that, by just having the enforcement regulation go into effect, the amount of over-pumping has decreased in the last water year by approximately eight hundred to one thousand acre-feet. This indicates that even without invoking the available corrective actions, the enforcement regulations are having the desired effect of increasing compliance.

Return For Correction Update

For the last three years, this Newsletter reported that 30% of applications filed with this office are returned for correction. To address this problem, the Division tabulated the defects that resulted in returns for corrections and reported the results in the 2007 and 2008 newsletters. During 2008, the Division presented a continuing education class “Successfully Navigating the Permitting Process” in both Carson City and Las Vegas. In 2009, the legislature made changes to NRS 533.435 that resulted in a new \$100 fee to be assessed for reviewing an amended application and/or map. Unfortunately, the return-for-correction rate is still between 25 and 30%. Surveyors are again urged to carefully check their work prior to submission to this office.

Maps to Support Temporary Applications

Maps to support temporary applications may be submitted on paper and do not require a stamp by a licensed water right surveyor. In the past, this office has been very lenient on quality standards for these paper maps, and unfortunately, a few agents/applicants submitted very poor quality maps. Paper maps to support temporary applications must meet the following criteria: 1) The maps must be drawn to scale, and must include a bar scale, 2) The maps must have a north arrow, 3) Township, range, section and quarter quarters must be illustrated, 4) PODs must be tied to a found point by surveyed bearing and tie, and 5) The existing/proposed place of use must be clearly illustrated. The maps must be of a quality that allows for scanning to insure that the maps are available on the website.

Proof of Beneficial Use Maps for Small Parcels of Land

For irrigation water rights, where the parcel of land containing the place of use is less than or equal to 2 acres in size, the Division has adopted a policy that allows for the submission of the supporting beneficial use map on paper so long as the map meets all the requirements outlined above for maps supporting temporary applications.

Notary Stamps on Mylar Maps

The Division is receiving more maps with illegible notary stamps due to “bleeding” ink or smudging/smearing. To be a legal notary stamp, the name, number and expiration date must be legible. Please take the time to make sure that the notary stamps the map carefully and clearly. If the first stamp is illegible, cross it out neatly and re-stamp the map.

Forms

During the past two years, the Division has converted the online forms to a writable PDF format that allows the user to enter data and then save, edit and print the form without altering the basic framework of the form. The online forms incorporate all the updates made to the forms during the last two years. Make sure you are using the updated version of the form and review the attached instructions as more information may be required than in previous years.

Relinquishment of Water Rights to Drill a Domestic Well

When a parcel is to be split in order to build additional single family homes, a relinquishment of water rights may be required by the county for the project to proceed and for the parcel map to be approved and recorded. The form for this relinquishment can be found on

the Division's website in the Forms Room under Water Rights Forms, *Affidavit of Relinquishment for Domestic Wells*. Note that this form must be completed, signed and notarized.

The total amount of water to be relinquished is provided under Item 2. The quantity of water that is to be relinquished for each *new* lot being created to be served by a domestic well varies by county and basin, but it is nominally 2.0 acre-feet for each *new* lot (**check with the county**). The parent parcel from which the split is being made is assumed to have an inherent right to drill a domestic well. Thus, a parcel being split into 2 new lots, for a total of 3 lots, needs a relinquishment of 4 acre-feet (2 AF for each *new* lot—**remember to check with the county for the specific quantity per lot in your area**). Item 3 requires a detailed description of the location of the parcel and a copy of the parcel map must be attached as a part of this form. When a portion of a certificated irrigation right is relinquished, a mylar "stripping" map prepared by a licensed water right surveyor is required.

A processing fee of \$250.00 must accompany this form when it is submitted to our office. This charge is for the review of the submittal and preparation of supporting documentation for presentation to the State Engineer for approval. This fee is authorized under NRS 533.435(2), and it is the only charge from this office for the processing of the affidavit.

Pumpage Reporting

Many permits issued by this office require the permittee to report the quantity of water diverted on a monthly, quarterly or annual basis. Currently, permittees mail the required information to this office, and an administrative assistant enters the data into a database. The Division is working on an initiative to allow permittees or designated agents to enter pumpage information directly on the Division's website. Each participating permittee or agent will have a unique login and password that will give them access to their pumpage information. The new system will make the task of pumpage reporting much more efficient for both the permittee and the Division. The Division will send out an e-mail notice to water right professionals when the new system is put in place.

Evapotranspiration and Net Irrigation Water Requirements for Nevada

In January 2010, the Division released a report entitled *Evapotranspiration and Net Irrigation Water Requirements for Nevada*. This study updates estimates of crop evapotranspiration (ET) and net irrigation water requirements (NIWR) for Nevada. Hydrographic basin and weather station data, the report, tables and a plate depicting alfalfa NIWR for Nevada's 256 hydrographic basins are available on our website: <http://water.nv.gov/nvet/>.

Help Us, Help You

Please make sure that you completely fill out your Water Right Surveyor renewal notice with e-mail address, mailing address and phone number. E-mail is a very efficient and inexpensive method for the Division to notify water right professionals of changes in forms or policies, new legislation, upcoming training opportunities, or public workshops.

The Division is working to streamline many tasks and make all of our processes more efficient. Any recommendation you may have concerning how we can better conduct business would be appreciated. Please feel free to call or e-mail us with any suggestions.